

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 In re

21 Civ. 7532 (CM)
et seq.

4 PURDUE PHARMA BANKRUPTCY APPEALS

5 -----x

Oral Argument

New York, N.Y.
October 12, 2021
2:00 p.m.

8 Before:

9 HON. COLLEEN MCMAHON,

10 District Judge

11 APPEARANCES

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1 Next.

2 MS. LEVENE: As you know already, we're committed to
3 an expedited briefing schedule, and I raise that because the
4 primary argument that we have heard -- we haven't seen a
5 written file in response to our request for a stay yet, nor in
6 the bankruptcy court either. I raise that because the primary
7 argument in response is concern about delay.

8 THE COURT: There are two arguments. One is you're
9 not going to succeed on the merits. The other one is the
10 letter.

11 MS. LEVENE: And so as the delay point, I think the
12 expedited schedule is quite relevant, and I'll get to that more
13 in a little bit. We think that the permissibility is
14 nonconsensual (inaudible) releases.

15 THE COURT: Now I'm starting to lose you. OK? I
16 can't understand.

17 You know what would be helpful to me?

18 MS. LEVENE: Should I go to the podium?

19 THE COURT: Go to the podium, take off your mask, and
20 argue this. And please don't tell me what the standards are
21 for an injunction.

22 MS. LEVENE: All right. Can you hear me all right?

23 THE COURT: Oh, so wonderful.

24 MS. LEVENE: It's nice to be able to speak without the
25 mask, your Honor. Thank you.

1 So, in our emergency motion, we asked for a stay
2 pending a decision on the stay pending appeal, which you have
3 granted, and we appreciate that. For the stay pending appeal,
4 we would like a stay pending exhaustion of all appeals, and of
5 course, we've asked for alternative relief, if you deny the
6 stay pending appeal, a stay long enough for us to seek relief
7 from the Second Circuit.

8 On the standards for a stay, we believe we've met
9 them. Because this does raise very important issues, we
10 believe we have a likelihood of success on the merits for the
11 reasons we discussed in our brief, and we don't think it can be
12 disputed that there are serious questions here on the merits
13 that raise a fair ground for litigation and the balance of the
14 hardships, including the harm to the victims who had their
15 claims eliminated potentially without appellate review on the
16 merits favor the stay.

17 Your Honor, in one of your orders, you raised a
18 question about whether you have the power to enter a stay
19 pending appeal, and you do. I don't know if you still have
20 that question in your mind.

21 THE COURT: I don't have that question in my mind.

22 MS. LEVENE: OK.

23 THE COURT: I've done some research.

24 MS. LEVENE: I didn't quite hear you.

25 THE COURT: I've done some research.

1 MS. LEVENE: All right. So you do have that power.

2 We think we meet the standard for a stay, and you've
3 read our papers so I'll be brief about the merits arguments.
4 But as I said, there are serious issues here that raise fair
5 ground for litigation. And because these releases violate the
6 due process clause, there was not adequate notice that
7 individuals, victims who are being denied their opportunity to
8 sue the Sacklers and other nondebtors are being deprived of
9 their property interests of these claims against nondebtors
10 without an adequate opportunity to be heard, without
11 compensation and without consent, we think that raises serious
12 due process issues.

13 We also think these releases are not permitted by the
14 code even as it's been interpreted by the Second Circuit, and
15 we understand that you're bound by the Second Circuit.

16 THE COURT: Right. I want to hear your argument on
17 that point.

18 MS. LEVENE: I'm sorry. I'm having trouble hearing
19 you.

20 THE COURT: I said I'd love to hear your argument on
21 that point.

22 MS. LEVENE: So, as for *Metromedia*, *Metromedia*
23 actually didn't hold the releases at issue there to be OK. It
24 dismissed the case on equitable mootness grounds, and it didn't
25 address the constitutional issues that we've raised here. And